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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 CEY-01, an Unincorporated Association,
12 Plaintiff,
13 vs.
14 BANK OF AMERICA,
15 Defendant.
16

CASE NO. 08CV0700-LAB (LSP)

**ORDER STRIKING AMENDED
COMPLAINT; AND ORDER
REQUIRING SUBSTITUTION OF
COUNSEL**

17 On April 17, 2008, Plaintiff CEY-01, an unincorporated association, filed a complaint
18 for damages in this action. The complaint also mentions foreclosure on real property located
19 on Sunrise Bluff Drive in San Diego and asks the Court to enjoin disclosure on the property.
20 The complaint makes almost no factual allegations and consists almost entirely of legal
21 citations and conclusory claims for damages. Plaintiff purports to be proceeding *pro se*, and
22 yet also purports to be represented by its administrator, Dennis Gray, a non-lawyer. Mr.
23 Gray is a non-lawyer, as attested to in an affidavit included at the end of the complaint,
24 declaring under penalty of perjury "I **do not** have an attorney to represent me in this case."
25 A non-lawyer may not represent entities such as associations in federal courts nor may such
26 entities may not represent themselves. *Rowland v. California Men's Colony*, 506 U.S. 194,
27 202 (1993).

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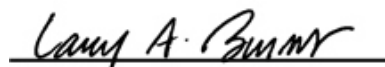
1 The very same day, an amended complaint was filed in this same action, omitting
2 Plaintiff CEY-01 and identifying the new Plaintiff as "SRI-01, An Unincorporated Association."
3 The administrator of SRI-01 is also Dennis Gray. The amended complaint brings
4 substantially the same claims and relates to the same property, and contains a similar
5 affidavit attesting to the lack of an attorney. Neither Plaintiff has provided any explanation
6 for this, such as by filing a notice of change of name.

7 Under Fed. R. Civ. P. 15(a)(1), a party may amend its complaint once of right
8 before a responsive pleading has been served. In this case, however, it appears Plaintiff
9 CEY-01 is asking the Court to allow it to abandon its own suit against Defendant Bank of
10 America and to allow SRI-01 to institute a new suit using the same case number, without
11 payment of the fee required under 28 U.S.C. § 1914(a). Because this is not permitted under
12 the Federal Rules of Civil Procedure or otherwise, the amended complaint is hereby
13 **REJECTED FOR FILING** and ordered **STRICKEN**. The Clerk shall remove the amended
14 complaint from the docket.

15 Because Plaintiff CEY-01 may not proceed *pro se*, nor may it be represented by a
16 non-lawyer, Plaintiff CEY-01 is directed, no later than **30 calendar days from the date this**
17 **order is entered**, to file a motion to substitute in counsel. Substituted counsel must either
18 be an attorney admitted to practice law in this Court, or else must meet the *pro hac vice*
19 requirements set forth in the Civil Local Rules. If Plaintiff CEY-01 fails to do so within the
20 time permitted, this action will be dismissed without prejudice. If Plaintiff CEY-01 wishes to
21 withdraw its complaint, it is directed to file a notice of withdrawal so stating.

22 **IT IS SO ORDERED.**

23 DATED: April 18, 2008

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25 **HONORABLE LARRY ALAN BURNS**
26 United States District Judge